

CHAPTER 4: THE GATHERING OF VOICES

This chapter reflects the salient aspects of the interviews with various stakeholders held by the Ministerial Task Team 2014 to 2015.

4.1 Interviews with provincial education officials

The Task Team usually spent an average of two days at each Provincial capital, interviewing MECs, HODs, District Managers, representatives of all Teacher Unions and those who applied to offer their concerns to the Task Team. In one case, two Chief Directors were instructed by their HOD to be interviewed.

The sequence was usually a meeting first with the MEC for Education, followed by detailed and extensive input by the HOD. Thereafter, District Managers, usually but not always in groups, described the state of affairs in relation to the Task Team's brief. It was not possible to meet the MECs of all nine Provinces.

Initially the focus of the interview was upon what officials knew about the practice in their area of responsibility of the buying and selling of posts, especially but not only in relation to reports in the media. In each case the discussion inevitably went on to other kinds of irregularities, tensions, conflicts and contentious matters in the local education system to do with posts, appointments and promotions.

Discussion almost always led to commentary on the relation between the Districts and the Teacher Unions, SADTU especially. And then, with greater specificity encouraged by the Task Team chair, the District Managers and the Unions offered comment on School Governing Bodies (SGBs). Matters of "functionality", the capabilities of parent representatives, the roles of education officials and specific "challenges" were outlined, including numbers of suggestions for the refinement and alteration of SGB powers and practices. All these and further matters are discussed later in the Report.

4.1.1 MEMBERS OF THE EXECUTIVE COUNCIL FOR EDUCATION (MECs)

All the MECs spoken to declared their support for the work of the Task Team and endorsed its composition. Not unexpectedly, the Task Team has found each Province and its concerns different in important ways from those of others.

One area of concern encountered by the Task Team is that since 1994, there have been more than 80 education leaders in South Africa, counting Ministers, MECs, and HODs.⁴⁵ Such an extensive turnover makes significant and important continuity impossible. Furthermore, this rate of turnover creates an idiosyncratic tone to the priorities and emphases of the Department at national and provincial levels. For example, new MECs tend to announce plans which will distinguish their term of office from others, plans which rarely build on what their predecessors have built up and achieved. This is a factor which must contribute to the instability and inconsistency in the entire education system.

The most specific and detailed comments by MECs were those from Gauteng and the Western Cape. Whereas the Gauteng MEC said that “the major Union is in charge of education” in his Province, the Western Cape does not have a “major union” because of exact parity between SADTU and NAPTOSA. This appears to be a key factor in the stability of that Province’s educational system. Furthermore the Western Cape Provincial Department inherited and has achieved firm managerial control of education and so there is little official space for Teacher Unions to occupy or to usurp the functions of the Department. On the other hand, the Gauteng MEC acknowledged that his Province still has the deep marks of racial differences in terms of performance and efficiency and that in his view the education system in his Province is not conducive to transformation at this stage. It is not clear how the ‘paperless classroom’ fits in with this view.

Though the Gauteng MEC described the buying and selling of posts in his Province as “endemic”, apparently this is not a feature worth remark in the Western Cape, though we were told that nepotism and cronyism do occur in the awarding of posts. The Western Cape MEC and her HOD are strongly committed to the implementation of clear, firm legal systems

⁴⁵ This figure was given to the Task Team by Yusuf Gabru, past Education MEC in the Western Cape.

of management as their dominant style.⁴⁶ By contrast, Gauteng is run on a basis of “tension management” and innovation of a more spontaneous and reactive kind, but the Gauteng MEC actually yearns for the “professionalisation” of the system.

The Task Team did not meet the North West MEC for Education, but instead received from the HOD there a detailed account of the political and professional issues that affect the administration of this Province. Despite or because of education in the Province being wholly in the hands of SADTU, the 2014 matrics did exceptionally well. More than 85% of the senior staff in the Department have been deployed there by SADTU after having served as Union office-bearers. Here is an example of SADTU functioning as a “conveyer belt” for educators to be rewarded with well-paid government jobs in administration and elsewhere, including the Cabinet. According to the HOD, SADTU determines well ahead of time which candidates for appointment at office and school level are preferred, and uses its influence in many ways to increase its grip on educational processes in this Province.⁴⁷

Despite the fact that MECs are essentially political appointments, each MEC seemed free to outline to the Task Team his and her individual views about the legal and illegal processes of awarding posts in education. An example of this is the emphasis placed by the Free State MEC for Education. He asserted that School Governing Bodies (SGBs) “open us up to serious problems” but, in effect, he has no difficulty in principle with the idea of SGBs despite the unreliable decisions they sometimes make. He regards the teacher component as the main SGB weakness and wants the interviewing panel to be professionalised. He clearly opposes the notion of junior staff appointing their seniors. This led him to observe that this country has moved “too fast in terms of democracy”.

The Free State MEC regards Teacher Unions as a major problem because they “lack discipline” and play a role in “devaluing education”. However, he attributes the stability and success of education in this Province to a clear understanding that Unions act to protect

⁴⁶ For example, the Western Cape is vetting the criminal records and qualifications of every principal and deputy; applications for posts are online and first sorted by computers; written tests for applicants to senior posts are being “piloted”; the Department is taking over the appointment of principals from SGBs; they want to implement performance agreement but principals have rejected this. Unions have commented that managerial approaches do not always work for professionals.

⁴⁷ Early in May, the North West’s Deputy HOD was held hostage overnight by SADTU officials over the unresolved matter of temporary teachers.

their members and the Department manages the system. This is in stark contrast to the situations in the North West and the Eastern Cape.

This MEC's fourth area of focus was upon how important principals are to school performance and the quality of education there. He regards principals as the "glue" in the schools. Consequently, the Task Team has picked up in its deliberations the central importance of principals to the quality and nature of education offered in schools.⁴⁸ As will become evident in our discussions with HODs and teacher unions, the pivotal role of principals and their mode of selection requires careful attention.

The Western Cape MEC for Education stressed the central importance of vigorous management by the Department in all areas of schooling, leaving only strictly regulated space within which the Department and the Unions interact. The equality in numbers and hence representation by NAPTOSA and SADTU makes this easier than otherwise. However, the basic assumption behind the approach to education administration in the Western Cape is that "corruption and bribery thrive on systemic weakness".

No meetings between the Task Team and the Mpumalanga or Limpopo MECs for Education took place.

What becomes clear from these examples of how Provincial Departments of Education are functioning is the tension and interplay between provincial government and Teacher unions. Where a Union is overwhelmingly strong and the Department is weak, the Union is likely to occupy the space and be influential in matters beyond the primary functions of the Union. The fuller implications of this for both the Unions and the Department need to be explored but the Task Team's general impression is that the strong preponderance of a Union or Unions in a province is not good for educators, officials and learners. For example, factionalism has emerged in SADTU and the Task Team has gained the impression that the provincial sectors of SADTU and NAPTOSA have established differing degrees of independence from their national bodies. One clear example of the need for thought and

⁴⁸ The research undertaken and completed in 2015 by Professor Brian Levy and his UCT team into four Western Cape schools is most instructive in its focus on micro-level governance and political economy determinants of performance by schools.

discussion is that the name “SADTU” is almost never mentioned by top officials, thus making that Union “the elephant in the room” which is so powerfully present that people try to avoid noticing or making direct reference to it.

It is apparent that the Northern Cape is free from the scourge of the buying and selling of posts, and that the Unions there are exonerated from involvement in such practices. The Northern Cape MEC indicated instead that levels of conflict occur with SGBs over not always appointing their first recommendations and the extent to which SGBs are said to insist on having “ultimate leadership” in running the schools despite the fact that it is the Department which is responsible for the quality of education. This MEC stressed the importance of stability in the SGB system, making use, for example, of experienced parents whose children may have left the school.

This MEC said that the education system in the Northern Cape works because she and the HOD have the requisite experience, that they understand the Unions and that the maturity of the Unions assists the Department to resolve problems. [It is noteworthy that this is the only comment from an MEC about a positive relationship with Teacher Unions.]

4.1.2 PROVINCIAL HEADS OF EDUCATION

As the information from the interviews with these HODs becomes increasingly specific, it is increasingly unproductive to generalise. Thus the specific concerns of each HOD have been summarised for later analysis.

Gauteng HOD

- All this Department’s investigations into reports of the buying and selling of posts have failed to establish a single concrete example of this practice.
- This Province is centralising the recruitment and appointment of principals so as to “control the pattern of behaviour”.
- The high degree of influence by Unions needs to be addressed.
- The selection process should include a competence test for principals so as to reduce subjectivity in the process of recommending and appointing.

- The current SGB model is “a relic of the sunset clause” and needs to be relooked at as currently there is “abuse across the system”.
- Relook at principals as office-bearers in Teacher Unions.
- Re-examine the processes of recruitment and appointment in relation to inclusion and exclusion e.g. race, language, gender and class.
- Recognise that schools are “economic hubs”.
- SADTU is the “elephant in the room” that nobody talks about.

Eastern Cape HOD

- The five-year stand-off between the Department and the Unions has had the ironic effect of reducing competition and conflict of all kinds over posts.
- No solid information or views about SGBs were offered.
- Appropriate Union membership of applicants is a distinct advantage in being appointed to posts.
- The major sources of undue influence in choosing candidates are preference for those who are a “son of the soil” and those for whom there has been extensive and intensive lobbying.
- However, the education system and the process of appointments are generally sound, said the HOD.

A further meeting with the Eastern Cape HOD scheduled for 29 or 30 October 2015 failed.

Western Cape HOD and Senior Management

Head of Department

- The Department must select the principals.
- Applicants have to produce written statements and evidence of capability.
- Applicants for principals’ posts will undergo competence testing (costing R10 000 per individual).
- Perhaps there ought to be different kinds of SGB, enabling access by the poor [?].
- There should be professionalism in the management style of officials and principals.

- Decision-making between the Department and Unions should be a joint enterprise and not a process of information-giving alone.
- Principals are resisting the introduction of performance agreements.
- The education system should contain means of improving, rewarding and punishing the performance of principals and schools.

Senior Managers (3 + 1)

- There have been no reports from anywhere of the buying and selling of posts in the Western Cape.
- The processes of candidate selection are carefully and thoroughly controlled i.e. applications are received on line.
- The WCED wants to withdraw SGB powers to appoint SMT members.
- An objective competency-based test is given to prospective principals.
- The Department meets regularly with Teacher unions.
- The balance in the Western Cape between SADTU and non-SADTU Unions is 50/50.
- The qualifications, identity and police record of every principal and the deputies are being vetted.
- They recommend that the powers of SGBs to select appointees be re-examined, beginning with principals.
- It is “improbable” that 80% of SGBs are dysfunctional.
- Functionality does not mean the equality of all voices.
- Training is given to new SGBs.
- Resources Persons’ reports are thoroughly scrutinised.
- It is reasonable to expect that there will always be “some kind of influence in SGBs”. That influence should be mitigated by the presence of properly trained Departmental Resources Persons.
- Leadership is essential to the well-being of schools.
- The Department of Education is the only one in government which seeks to understand how to appoint the best people to schools and offices.

KZN HOD and Senior Management

- Support for the work of the Task Team was offered by the MEC and HOD.
- They had received reports that Resources Persons at selection panel sessions were biased.
- Corruption being an individual matter, the Task Team is unlikely to have anyone who has been bribed come forward. Only the aggrieved will speak.
- It is likely that those who are speaking about the practice of buying and selling posts are angry because the Department was slow to appoint a Task Team. The KZN Department of Education suspended its own investigation in favour of the Task Team's work, but some preliminary work had been done.
- Except for the Ntuli case there is no specific instance of a post having been sold.
- The Department investigated allegations made by NATU about SADTU's alignment to COSATU but there has never been a case of the selling of posts or bribery.

Free State HOD

- He acknowledged that appointments in this province do rely upon Union 'support'.
- There are manifest vested interests in the ways that SGBs work but there has been no hard evidence in this Province of the alleged buying and selling of posts.
- Problems are encountered with the ways in which SGBs select candidates for appointment such as the ways in which scoring of applicants point to the targeting of particular individuals.
- This HOD feels secure in his post by virtue of his carrying out of the MEC's demands and the use of a management structure based on Chief Directors. Managers are not permitted to be members of a Teachers' Union. When challenges from Unions arise, he confronts them directly.
- This HOD also stressed the importance of principals in schools.
- The South African Schools' Act puts principals under stress because of the powers which it grants to SGBs.
- It is his view that responsibility for appointments should be taken away from SGBs. The Department should take responsibility for its employees. He is wholly opposed to outsourcing the selection of applicants.

North West HOD

- The dominant Teacher Union (SADTU) in the Province controls, manages and influences the appointment at schools and in the Department.
- Every three years, when SADTU holds its elections, those who lose their positions are redeployed to senior posts in the Department irrespective of whether they are qualified or not or whether there is a vacancy or not.
- This HOD admitted that he has been “tainted by forms of coercion” and once authorised an irregular appointment.
- The HOD described techniques used by SADTU to gain its desired ends.
- He gave an account of why no action was taken in response to the NEXUS Report which highlighted numerous cases of serious and questionable actions by officials and Union members.
- Having centralised the appointment of principals, they have found that corruption went down to lower post levels.
- He recommended a ‘wider’ investigation into the Education System.
- A “professional team” should manage professional appointments.
- He said that his Department has so many cases of wrongdoing that if he asked the SAPS to follow them up, it would amount to closing down the Department.

Mpumalanga HOD

- The Mpumalanga HOD pointed out that responsibility for the appointment of educators had been delegated to the Districts.
- The HOD said that if SGBs were “illiterate” then the chances of manipulation in the appointment processes was high.
- The buying and selling of posts is likely to occur at SGB level.
- It was evident that inappropriate appointments were deleterious to both schools and learners.
- During the process of selecting principals, a Circuit Manager joins the Resources Person to advise the selection panel.
- In this Province, SADTU holds marches to have officials removed from office.

Human Resources and Labour Relations managers in Mpumalanga had the following to add:

- There have been no reports or charges relating to the buying and selling of posts in Mpumalanga. There are only allegations.
- It is not possible to remove SGBs from the appointments process.
- The SADTU teacher members of the SGB will favour a SADTU principal.
- The Resources Person advises the school on the drawing up of an appropriate advertisement.
- Teachers should not be on the panel which selects the principal.
- Proposal: the appointment process be done by the HR Department.
- The Departmental representatives at the selection process should be persons of quality.
- There ought to be competency tests for principals, such as in the Western Cape.

Limpopo HOD and Senior Management

The HOD in this province has been Acting in this position since 2014.

- He has not personally come across any instance of the buying and selling of posts.
- SGBs are of two kinds: the highly competent urban variety, and those in rural, semi-urban and township locations which are comprised of “pensioners, old ladies and grandfathers”.
- Contestation occurs frequently in these latter SGBs between Circuit Managers, Unions and the SGBs, including complaints against Unions using their power to influence SGB preferences. For example, there has been SADTU’s dirty tricks campaign against non-SADTU principals.
- There are SGBs that need support from the Circuit and others have had to be removed from carrying out certain actions e.g. making recommendations for posts.
- SGBs tend to focus on finances rather than governance. If the power of SGBs to handle finances were removed, “most people will no longer be interested in being members”.
- SGBs in towns “do a great job”.
- There are no Departmental rules against senior managers being Union members. Being a manager and a Union member threatens objectivity.

- Senior managers sometimes transmit Departmental information to Unions.
- This HOD has made his position clear re Unions: he will not become involved in operational issues and will interact with them only when there are challenges.
- SADTU has tried to get preferential access to Departmental information since they are members of the Tripartite Alliance.
- SADTU has never offered to influence policy.
- This HOD is deeply concerned about the quality of recently qualified teachers.
- He supports the removal of powers of SGBs to make appointments.

Limpopo Senior Management

- Irregularities such as nepotism have been reported, but no formal investigations were instituted.
- There have been no reports of the buying and selling of posts and there have been no cases involving the exchange of money.
- These Managers are aware that SADTU is alleged to have given a list of six names to the Department, demanding that they be appointed to senior positions.
- It is a “good thing” that SGBs are the main drivers of the employment process.
- Challenges faced by SGBs are the scarcity of literate parents and the racism and sexism in the former Model C schools.
- During the interview process, SGBs are inclined to add “further criteria” for short listing so as to favour their preferred candidates.
- The selection of candidates for promotion posts is influenced by SGB members having formed associations with established teachers at their school.
- Functionality of SGBs is affected by circumstances such as poverty and access to electricity.
- Choosing and making full use of “best teachers and principals” is influenced by factors such as management, practical classroom competence and mistakes in the selection process.
- During the selection process, “observers” can change into “drivers of the process”.

- SADTU's exploitation of its influence and power as well as its political alignment have affected the work of the Department to the extent that the Union is now a threat that needs to be dealt with.
- Some SGBs manage to resist such pressure from SADTU.
- A way to tighten the system without removing SGB powers should be found.
- The HR section has never had to deal with a cadre deployment case.

Northern Cape HOD

- The HOD outlined the step-by-step procedure followed by his Department in working with SGBs in the appointments process.
- Whereas the SGB appoints the selection panel, the Department compiles the short list for schools. After the interviews, the SGBs make commendations, with reasons.
- A District team scrutinises recommendations for school HOD posts and if their recommendation is different from that of an SGB, they must provide reasons for doing so.
- There are no major problems with SGBs: they "tend to do the right job if properly trained".
- The Department has no problems in the appointments process with SADTU. Their role as observers is acknowledged, and no deals are cut with the Union. There is full agreement that all decisions should benefit learners.
- There have been few grievances related to appointments during the last three years.

Northern Cape Senior Management

- Though it is likely that there is corruption in the filling of posts, no allegations of this have been substantiated.
- Teacher unions do get involved in Human Resources matters despite being "observers" in the process, but this is a use of political power.
- When interviews are held for principals' posts, the Circuit Manager represents the Department to ensure that "the process is tight".

- In former Model C schools there is no Departmental representative present at SGB selection meetings.
- The Department has to deal with “a dominant Union” which can only be resolved internally and by a thorough checking of the system.
- Few grievances occur annually and are dealt with as unfair labour practices.
- There has been no instance of a person from “another Union” not appointed for that reason.
- Both rural and former Model C schools apply the principle of ‘a son of the soil’, which implies “anti-transformation”.
- SGBs are there to represent the community and to ensure that all decisions are in the interests of the learners. It is not in the interests of the country to take away powers of the SGBs at this moment.
- It is acknowledged that SADTU national has repudiated the unproved allegations that SATU influences the appointment of educators.

4.1.3 INTERVIEWS WITH DISTRICT MANAGERS

The emphasis in this section of the Report falls upon what the Task team was told by District Managers in all Provinces about the buying and selling of posts, undue influence in appointments, and concerns about School Governing Bodies.⁴⁹

The buying and selling of posts – what District Managers told the Task Team

District Managers from all Provinces said that only explicit instances of the buying and selling of posts had come to their attention despite the opinions of Unions, MECs and HODs that this practice is “widespread”. Managers acknowledged that this practice is possible, that there are suspicions, they knew that there were “irregularities” but, they averred, there are no hard facts concerning this and little evidence of overt corruption. The refrain was echoed by Teacher unions.

⁴⁹ See Addendum 1 for greater details of what was offered to the Task Team by provincial District Managers.

The only conclusion possible here is either that there is little or no buying and selling of posts or that education officials are in implicit collusion with the Unions to maintain a conspiracy of silence about the practice of buying and selling posts.

On the exercise of ‘undue influence’ in recruitment and appointments – opinion from District Managers

District Managers were considerably more explicit in acknowledging how ‘undue influence’ persuades SGBs to recommend particular candidates for appointment.

The main kinds of undue influence mentioned by District Managers were:

- Parents and teachers demanding appointment of “a child of the soil” i.e. a person who has come from and belongs to that community.
- Active interventions by Union members at selection panel meetings instead of being only impartial observers. This is confirmed by what the SADTU representatives at provincial level informed the Task Team.⁵⁰
- Biased and skewed scoring of interviewees by selection panel members.
- SADTU presence at meetings “creates problems”.
- Officials who are also Union members.
- Threats, intimidation, and fear induced by SADTU.

District Managers did not mention any other of the ways of influencing the outcomes of appointments mentioned by many other people who were interviewed such as cadre deployment, bribery, patronage, nepotism and a variety of tricks and subterfuges. *It is quite likely, for example, that a number of District Managers are in their post because of cadre deployment.*⁵¹

⁵⁰ If, they said, we see a selection process going awry, it would wrong for us with our better understanding not to intervene.

⁵¹ It is known, for example, that all the Deputy Directors-General in the Department of Basic Education are SADTU members and attend meetings of that Union. That being the case, it is not improbable to say that schooling throughout South Africa is run by SADTU. The significance of cadre deployment in South Africa’s education system is discussed below in Chapter Four.

It is puzzling to the Task Team that District Managers never mentioned that principals might exercise influence over decisions by the SGB. Accusations of this kind came from Union representatives.

District Managers mentioned a range of solutions to the exercise of undue influence.

- The majority of District Managers recommended that the powers of SGBs to select and recommend candidates for appointment be removed.
- The responsibility of the entire appointments process should be given to Districts.
- Train officials in Departmental policies and urge Unions to follow them as well
- The Department needs to manage the calling of SADTU and NEHAWU meetings during school hours.
- No District Manager argued for retention of the current status of SGBs.
- It was suggested that the function and purpose of SGBs be revised.
- District Managers made repeated calls for more, further and more appropriate training of SGBs. **The irony is that the Districts are responsible for training SGBs.**
- The restructuring of the process of selecting and interviewing principals was called for
- District Managers made it clear that pressure by Teacher unions has to be resisted.
- The current “broad discussion” within the ANC and SADTU about the need to give priority to competence when appointing senior managers.
- Limpopo District Managers expressed the urgent need to strengthen the resolve of Circuit Managers to resist undue influence by Unions.

It is highly significant that the District Managers never mentioned the presence of undue influence in office-based appointments or in the decisions taken by officials. The Task Team regards this as a disturbing silence.

Despite their defensiveness, these observations by District Managers show distinct and encouraging signs of professional unease at the state of affairs in education. Though a proportion of them will conform to SADTU or NAPTOSA diktats, their position as Managers appears to provide them with a sense of how important professional priorities are, priorities

that serve broader purposes than Union demands. It is possible to say this even though there are question marks and doubts about the desire of District Managers to take control of appointments. Is it to make the bureaucratic working of their job easier? Does it guarantee that the process will be free of undue influence? Does locating the appointments process within the Department make it easier for deployed cadres to ensure more directly that their candidates are appointed? These doubts remain in part due to the failure of District Managers to demonstrate critical or analytical summations of their own positions and the workings of their District offices. Their intense and exclusive focus on problems with the Unions and SGBs leaves an impression that they want to deflect attention away from themselves.

It is here that the relationship between Teacher unions, SGBs and Districts/Circuits comes into play. Managers said that, for example, SADTU takes charge if Circuit Managers do not act. Unions are experienced as powerful and threatening but we were told that clear leadership by SGBs is the solution to that problem. These are the very SGBs that District Managers were so negative about.

On School Governing Bodies (SGBs) and appointments – how District Managers regard them

In Mpumalanga, SGBs are regarded as having been politicised and that, combined with pressures exerted by unemployment tend to make people behave unethically. Undue influence is also made possible by the incapacity of SGB and community levels of understanding of the appointment processes, the role played by the Resources People and “anomalies in the system”.

As will be evident in the comments which follow on SGBs themselves, much of what is not satisfactory about them is attributed to the lack of adequate training of SGB members. The limited formal education of parents, their inexperience and their restricted knowledge of what attributes the different posts most require puts them at a disadvantage and makes them vulnerable, it is said, to undue influence by teachers, Unions and others. For example,

to appoint a Deputy Principal to replace the Principal automatically at the same school can be regarded as a form of undue influence.

District Managers had strong and firm views about SGBs. The Task Team was informed, for example, by Managers from Gauteng that, at a national meeting of 81 District Managers recently, *not one argued for the retention of SGBs in their present form*. That general opinion was given a particular focus when a Free State Manager, arguing for a reduction in SGB powers, said that SGBs in particular schools in that Province are being used to resist transformation.

The parent component of SGBs received a significant number of negative comments, including those made about undue influence, their vulnerability to influence, the lack of adequate education among the parents elected to the SGB, their diminishing interest in serving on SGBs and their ulterior motives for wanting to be elected onto SGBs.

The Task Team received wildly fluctuating figures when Managers asked about the ‘functionality’ of SGBs in their Districts particularly in relation to the appointment of School Management Teams (SMTs) and principals. It was recommended that SMT appointments should be done by the Province. There is no doubt that District Managers regard the majority of SGBs as dysfunctional in numbers of ways, here with particular reference to the appointments process. Most of those which struggle to perform their roles are in the rural areas and poverty afflicted townships.⁵²

It is as well to recall that SGBs carry major responsibilities for the school curriculum, its language, admissions and gender policies, financial and infrastructural concerns and with matters such as discipline and other management functions. So when the question of ‘functionality’ arises, the question must be, “In relation to what?” This is because SGBs will be adept in some areas and not all. What benchmark is being used to measure ‘functionality’? If it is those SGBs in middle-class suburbs, supported by professionals with

⁵² See the Report to the Minister of Education 2003 ‘School Governance in South African Public Schools’ Chapter 6 which defines functionality as determined by a number of factors, implying more than paperwork and the extent to which functionality in one context is different from that in another. This Report has not been made public by the Department.

high incomes, are the models to which all SGBs ought to aspire, then a particular form of reality is being presupposed.

If the existence of SGBs as a fourth democratic tier (national, provincial, local and educational) in South Africa is taken into account, and if SGBs represent the most direct means by which citizens and communities actually interact with the state, then thought has to give to what it is about SGBs that should be preserved and what might it be wise at this stage to change.

In the case of the Task Team's mandate, the focus must be upon the capacity and suitability of SGBs in their present form to manage the recruitment and selection of candidates for appointment in such a manner that the procedures are strictly followed, that no undue influence is brought to bear on decisions and that the candidates best suited to the needs of the school and community are recommended for appointment. Variations of this from suburb to suburb, suburb to township and from urban to rural areas will and should occur.

The question must be put: "To whom should SGBs account?"

District Managers made a series of suggestions for changes in the processes for the appointments of candidates. Among these were:

- Formalise the roles of the Departmental Resources Persons.
- Use outside panels when there is insufficient expertise within an SGB.
- Remove the appointment of principals from SGBs: this view is from across all Provinces.
- Change the composition of SGBs so that junior post levels do not interview seniors.
- Elect SGBs a year before they assume office so that they can be prepared adequately for their tasks.
- Use retired principals to assist SGBs.
- Develop a model whereby experts sift and short list candidates and then SGBs interview and recommend appointments.

- Improve the training of SGBs so as to understand their role instead of removing their power to recommend appointments.
- SGBs are a good thing in themselves but their levels of commitment and morality need uplifting.

This summary represents the views of District Managers.

The Task Team meticulously interviewed representatives from all Teacher unions (except NATU which avoided meetings) at national and provincial levels.

4.1.4 INTERVIEWS WITH THE TEACHER UNIONS

All Teacher unions in South Africa were invited to respond to seven questions drawn up by the Task Team by means of interviews and discussion as well as in writing. The Task Team met with national and provincial bodies of NAPTOSA, PEU, SADTU and SAOU. A meeting with NATU took place only at the outset in KZN, despite their being offered other opportunities to meet the Task Team.

The seven questions were:

1. The Task Team has been established to investigate the alleged selling of posts to teachers and principals. As Union leaders, to what extent do you believe this to be a prevailing practice?
2. What position has your Union adopted regarding the allegations in the media reports?
 - (a) Have you made public statements to the media?
 - (b) Have you communicated with your constituency about the media reports?
3. Are you aware of allegations levelled against any member of your Union? If so, what action was taken? Please provide details.
4. Are you aware of any allegations against any members of any other teacher union?
 - (a) Is this allegation about the selling of posts?
 - (b) Have any of members of your Union been prejudiced or unable to secure appointments because of the action of the other Union members? Please provide details.
5. What policy and procedural changes could your Union recommend to strengthen the system of appointment of educators?

6. Are you aware of any international best practice that in your view could assist to strengthen the system of recruitment and appointment of educators?
7. What support to the work of the Task Team is your Union prepared to give?

The following is a synopsis of the Task Team's records [archived by the Task Team] from the interviews with the leadership of each Teacher Union, and with reference to the written material which they all were invited to submit.

In relation to the information asked for in Questions 1 and 2, each Union made it clear that they deplored the practice of the selling of posts where it exists, that they do not engage in this as Unions, and that in addition to the public statements that they have made, they have encouraged their members to bring instances of this to the notice of the Task Team. Any member of theirs who engaged in such activities would be disciplined.

No Union at national level was able to provide the Task Team with specific instances with corroborative evidence that any of their members were guilty. However, SADTU national did provide examples of interventions which it had made in two instances. Neither had been brought to finalisation.

All Unions acknowledged that the selling of posts exists – SADTU national called the exchange of money and other favours for posts “wide spread and under reported” – but they pointed out that this was but one, perhaps a minor one of the many forms of undue influence and corruption at school and Departmental levels. For example, NAPTOSA urged attention to the endemic practice of “cadre deployment”.

4.2.1 INTERVIEWS WITH NATIONAL OFFICE-BEARERS FROM TEACHER UNIONS

4.2.1.1 National Association of Teachers of South Africa (NAPTOSA)

The Executive Director deflected attention from his Union by:

- (a) objecting to the inclusion of all Unions in the Task Team's enquiry; and
- (b) urging the Task Team to investigate the role of SGBs in the selling of posts.

The Executive Director undertook to provide examples of malpractices in post allocation to the Task Team. [These have failed to arrive.]

The Executive Director alleged that:

- Governing bodies are not adequately trained to deal with the appointment processes
- In most rural areas there are no educated parents and thus the principal is the only one who guides and influences the SGB
- He is aware that malpractice occurs
- Principals and District officials need to be trained to conduct the process of interviews and recommendation and to provide support to schools.

4.2.1.2 PROFESSIONAL EDUCATORS' UNION (PEU)

This Union's Chair expressed concern over instances where non-members of particular Unions were prevented from being appointed and also where certain Unions recommended unqualified members for posts. The Chair offered to bring an instance of malpractice to the Task Team.

The PEU has no problems with current policies but it is in their implementation where problems occur. Departmental officials should play a bigger role in the selection process and be the ones who do the scoring during interviews.

PEU undertook to provide written responses to the seven questions.

4.2.1.3 SOUTH AFRICAN DEMOCRATIC TEACHERS' UNION (SADTU)

Initially SADTU was represented by their legal advisor but later the Union's General Secretary and his Deputy presented an eight-page response to the Task Team's questions.

In their opinion, "the practice of selling posts whether through the exchange of money or other favours such as sexual favours is wide spread though under reported. The under reporting can be attributed to the fact that the seller and the buyer of the post operate in high secrecy and in some instances with intimidation".

SADTU pointed out that it had been engaged in combating forms of malpractice since 2006. In response to media allegations, it has publicly distanced itself from such actions and called upon the ELRC and SACE to conduct enquiries into such practices.

SADTU has made clear at every opportunity and from every platform its condemnation of the buying and selling of posts. The Minister was assured of support for her initiative to investigate the matter.

Furthermore, SADTU called upon the North West Department of Education to make public the NEXUS Report about the selling of posts in its Districts. SADTU wants to act against those provincial leaders if they are proved to have been engaged in “this backward practice”. SADTU has already acted against one of its leaders in KZN but this could not be concluded because those who made the original allegations refused to “co-operate”. Much the same occurred in their investigation into allegations about members of their Soweto branch.

SADTU said that it has heard allegations not only about Union members but normally hears them about Departmental officials.

SADTU emphasised the absolute difference between a Union sanctioning or encouraging malpractices and its members acting as individuals, even those in senior positions in the Union.

SADTU offered eight practical rather than conceptual recommendations to strengthen the system of the appointment of educators. All change, it insisted, should occur via negotiation in the ELRC.

1. The Department should act against adverts designed to suit certain individuals.
2. Review the processes of sifting, short listing and interviewing. [No indication of how or why.]
3. Introduce Union observers during the sifting process.
4. No criteria should be added during the sifting process.

5. The Departmental Resources Person should be empowered to report any irregularity to the District Manager and the SGB.
6. The District and the Circuit, in addition to the Resources Person, should observe the panel's procedures i.e. Departments should play a bigger role in the appointment process.
7. The SGB should follow the process as outlined in "the resolution" [ELRC?] The SGB needs to endorse the success of the correct process, not the panel itself. The SGB panel must be trained to understand the curricular needs of the school and the specific requirements of the post so as to prevent manipulation "by any official whether from the teaching staff, principal SGB or the Department". [The absence of Unions from this list is remarkable.]
8. Observers should be prevented from putting undue pressure on the panels. SADTU further urged that:
 - The ELRC conduct research into international best practices for the recruitment and appointment of educators for attention when "amending the current recruitment resolution".
 - Changes to appointment procedures should be negotiated through the ELRC.
 - Appointments should be made on merit alone.
 - SGBs should be empowered and not limited.

SADTU asked for permission to submit "amplified submissions with supporting documents".

4.2.1.4 SUID AFRIKAANSE ONDERWYS UNIE (SAOU)

This Union was represented by its president, general secretary and their advocate. In their preamble, SAOU said that it sought a fair, objective and transparent process for the appointment of educators. The system should respect labour rights, the Constitution, administrative justice, the law and the ELRC collective agreements. SAOU has come across no instances of the selling of posts.

The following are problem areas in the system:

- The deployment of cadres by big unions with the result that their members are influential at all levels of the Department.
- Problems occur when the third nominee and not the SGBs first and second choice is appointed by the Department.
- Observers do not always behave objectively and dispassionately.

In their view, parents from all strata of society are capable of using the SGB system of appointments constructively. The weak area is not the poor or rudimentarily educated parents but the source of irregularities in this regard is located in the District Office.

The General Secretaries of SAOU, NAPTOSA and SADTU meet every few weeks. They have discussed alternative models for educator appointments but have found nothing more suitable than what they have in South Africa. It would be deleterious if the system were made even more cumbersome than it is. Districts are not coping well with the system as it is.

The General Secretary of SAOU warned that if powers to appoint were removed from SGBs a mass exodus from public schools by Afrikaners could take place.

4.2.2 INTERVIEWS WITH THE LEADERS OF PROVINCIAL TEACHER UNIONS⁵³

NATU

More specific detail of what representatives from the provincial sectors of the Unions is listed in Addendum II

From an analysis of the responses from all Teacher Unions in nine provinces to the seven questions and their follow-up comments, seven themes or areas of focus emerged. These are:

- a. The buying and selling of posts in education
- b. Other forms of influence in appointments
- c. Alleged influence of SADTU on the education system

⁵³ See details in Addendum II of what each Union contributed to the interviews with the Task Team.

- d. Teacher unions and Cadre Deployment
- e. Unions and the Department of Education
- f. The Unions and School Governing Bodies
- g. Observers and Resources Persons.

a. The buying and selling of posts

All Unions were clear in their condemnation of this practice and they declared that they had taken care to inform their members about the illegal and corrupt implications of such actions. Unions are in no doubt that this practice does occur but no specific or substantial cases had come to their notice. Unions were keen to distance themselves from this practice and the Task Team was asked specifically to make an absolute distinction between the Union's policies and the possibly errant behaviour of individuals who are Union members. The Task Team was asked to make that distinction even in the case of senior Union office-bearers. In other words, the Task Team was called upon to absolve the Unions and blame the individuals.

Unions in three Provinces were doubtful about whether this practice was taking place in their Districts.

b. Other forms of influence in the appointment of educators

Every Union except SADTU stated that various forms of influence are brought to bear on SGBs and the Department in the application, selection and appointment processes. There is no doubt in the mind of the Task Team that many forces outside due process are at work during the selection and appointment of educators. Union preferences, community preferences ('son of the soil'), pre-selection pressures and so on are present throughout the entire sequence of steps.⁵⁴ Unions are convinced however that there are multiple forms of interference such as from observers, Resources Persons and bribery. Furthermore, they claimed that there have been examples of nepotism, favouritism, and exploitation of the

⁵⁴ The 2011 NEXUS Report into allegations of post reservations in one North West District lists the following kinds of alleged influence: close relationships with SADTU, appointment on instruction from SADTU, reserving of posts for individuals, earmarking SADTU officials for promotion, the appointment of a wife, the sale of a post and so on. (page xv).

advantages of belonging to one Union rather than another. The major matter of cadre deployment is given individual attention below.

Unions revealed little or nothing of their techniques or the specific transgressions by others. In other words, this was all kept at the level of safe generality. Only representatives from PEU alleged unambiguously that Departmental staff, as SADTU members, influence the workings of SGBs.

Though most SADTU representatives declared that their behaviour as observers at selection panel meetings was that and that only, other SADTU interviewees made it clear that the SADTU observers and the Departmental Resources Persons play a much more active role than that especially in assisting SGBs follow the correct procedures, which SADTU admits doing when necessary.

c. The alleged influence of SADTU

SADTU is highly conscious of the negative public image it has achieved/has been given over the matter of the buying and selling of posts and perceives reports about its alleged misuse of power and influence, reports of its disruptive campaigning and its dominance of many educational areas as an orchestrated attack on itself as well as on the Labour Movement, the Tripartite Alliance and the ANC.

Owing to its massive majority in most provinces, SADTU disarmingly attributes the high frequency of the appointments of its members to desirable posts at schools and offices as the sheer effect of demographics and the superior quality of its members. Thus there is no abuse of its power or of manipulation of the system.⁵⁵

Non-SADTU Unions, with perhaps the exception of PEU, are muted in their criticisms of the situation and are disinclined to be specifically critical, making comments which are tempered by generalities.

⁵⁵ In the light of this, it is of interest to note SADTU's recent laying of charges over a "jobs-for-cash scam" against one of its KwaZulu-Natal leaders. 'SADTU suspends jobs-for-cash official'. *City Press* November 08 2015.

But what seems extraordinary is that no Union shows any awareness of the need to step back and survey the broader picture of what is happening. In other words, they are defensive of their own positions and avoid reflecting on strengths and weakness or challenges despite their position as an important sectors in the field of education. There has been little sign of the critical maturity one might expect from well-established organisations.

For example, a SADTU representative said to the Task Team: “In KZN, SADTU is education and education is SADTU”. This megalomaniacal assertion suggests that the exercise of specific forms of power and influence is “education”. Nowhere in such an attitude can one see concern for the learners, the parents or the communities. The Task Team has found that six and possibly more of the nine provinces are where SADTU is in *de facto* charge of the management, administration and priorities of education there. Therefore the Task Team cannot accept the bland and blameless version of itself that SADTU has offered. It should not be a Union’s function to be both referee and player.

d. Teacher unions and Cadre Deployment

What this appears to mean is that SADTU and other Unions are able to ramify their positions and influence as well as reward chosen individuals by means of locating them in offices and schools to the benefit of the recipient and the advantage of the Union. This practice displaces learners, parents and communities as the first priority because cadre deployment now has come to do with power, influence and material gain.

Early in the 1990s, the liberation movement needed to place its cadres in influential government positions in the process of dismantling apartheid. Twenty-five years later, in the case of SADTU and other agencies, this practice appears to have degenerated into the exploitation of power. This means in turn that the original vision of transforming education into a vehicle for political maturity, educational justice, economic viability and lifelong learning has been lost.

In the North West, 85% of senior positions have been “deployed” there by SADTU. These individuals have been rewarded for service to the Union with well-paid jobs in the

Department whether there is a vacancy or not and/or whether the individual has appropriate skills and qualifications or not. This is not to imply that SADTU people are not usually highly skilled individuals, but SADTU appears to have saturated schools staff, principals, SGBs, Circuit and District offices plus the Head Office with people whose loyalties to their Union are meant to supersede other considerations.

Add to this the more obvious of SADTU's techniques for dislodging officials and principals not to its liking. These methods are the holding of marches, demonstrations, office invasions and strikes. It is alleged that also character assassination, smear campaigns and forms of threat and intimidation, and even more serious methods are reputedly resorted to. The picture that then emerges of an organisation without a central vision of its role so as to prevent chaotic and disruptive activity. It appears that high value placed on militancy for one's Union is valued more highly than any other qualities which the teacher members have.

All questions from the Task Team about cadre deployment were rebuffed without discussion or debate. SADTU KZN remarked, for example, that cadre deployment does not occur as its officials achieve a variety of posts in and out of education, "like any other member". The same question to SADTU national was brushed off in a similar way.

Though there is no direct link between the buying and selling of posts and cadre deployment, the Task Team regards the evident practice of cadre deployment in a very serious light.⁵⁶ Its presence is indicative of enormous power and influence by a Union which seeks to entrench itself repeatedly and inexorably. As a form of 'undue influence' or corruption, it opens the door for the use of unorthodox and illegal means to gain advantage. The buying and selling of posts is one such means.

The implication of such a culture of patronage and advantage-seeking which is dependent upon Union support is that service to the Union is placed above loyalty to learners, colleagues, the community and their employer.

⁵⁶ Information from MECs, HODs and others confirm its extensive reality.

The practice of cadre deployment is deeply resented by non-SADTU Unions because it can be used to disadvantage others. However, the Task Team does not believe that other Unions are above placing their supporters in strategically advantageous positions.

Concerns about the effects of cadre deployment were expressed mainly by NAPTOSA and PEU. NAPTOSA Limpopo went so far as to allege that SADTU “runs” education in that Province. It also accused SADTU of using power unduly. PEU in the same Province alleged that non-SADTU members are evicted from their posts to make “a vacancy for a member they [SADTU] want in”. PEU said that the advantage of SADTU membership are (a) access to higher posts regardless of qualifications and (b) that policies can be circumvented as Circuit Managers, being SADTU members, will not act. This Union added that there is undue influence by SADTU in SACE, where it has 90% of the Council.

However self-interested a proportion of allegations about cadre development might be, there is a rancorous and hostile tone to these accusations that goes well beyond competition or the exchange of differences. SADTU’s preponderant use of influence and its open practice of cadre deployment are resented for reasons which go beyond jostling for power. Cadre deployment is seen by researchers, educational activists, scholars and other thinkers about education as highly deleterious to all aspects and dimensions of education in South Africa.

It is important to record exceptions to the pattern of cadre deployment. In the Free State, the Northern Cape and the Western Cape (for differing but important reasons) there is little evidence of cadre deployment for its own sake.

e. Unions and the Department of Education

In more than 25 references to the Department by Unions, there is only a very few items from Unions of praise, an example of co-operation or collaboration, or recognition of support that has been received from the Department. In other words, the Unions are either aloof from or hostile to the Department in their thinking. A necessary exception appears to be SADTU in the Northern Cape.

If the deep aim of Unions is “transformation”, why is it necessary to adopt an adversarial and defensive stance towards a Department that is ostensibly seeking a similar goal?

It is acknowledged that the Task Team’s investigation has put the Unions under a harsh spotlight, but the interviews were neither hostile nor critical. Unions were given as much space as they needed to express their positions in detail. There was no cross-examination or interrogation. Why were aspects of the Task Team’s approach regarded as threatening?

There appears to be an attitude among SADTU representatives of a determination to triumph over, to defeat all others, to outwit, outsmart and cause discomfort to any opposition or critic. This strikes the Task Team as superficial and immature as well as a means of avoiding looking deeply into issues. There appears to be a lack of ethical responsibility and an entire absence of self-criticism.⁵⁷ However, one of the most encouraging observations came from SADTU in the Free State when a high-ranking official of the Union said: “The time for a change for the better has arrived”.

The Department was blamed by Unions as the source of most of the problems associated with the recruitment and appointment of educators. Instances mentioned were insufficient SGB training, the “hijacking” by the Department of recruitment and the Department as the major source of irregular appointments as well as for the inabilities of the Resources Persons to perform their roles in assisting SGBs with the interviews and rating of candidates for appointment. The Department was accused of holding back information from Unions and for the incapacity of the Resources Persons.

The Union is determined to keep office-based officials loyal to SADTU.

It should be observed that there appears to be a constructive working relationship between SADTU and the Northern Cape Department. There, SADTU said, they march only once ‘engagement’ fails to produce solutions to the problem. SADTU is also aware of the genuine

⁵⁷ Teacher unions are not alone in this. Whereas HODs referred to strengths and shortcomings in their provinces, District Managers never acknowledged inadequacy or failure in any respect. Such defensiveness is disturbing.

efforts the Department is making to advance transformation in that Province and has positive relations with District Managers.

f. Teacher unions and School Governing Bodies

Every Teacher Union expressed concern about the adequacy of SGBs in general to manage the process of making appointments. Even though NAPTOSA, SADTU and SAOU spoke again and again about the need for SGBs to receive training, they want the power of SGBs to select, interview and recommend candidates to remain. However PEU and NAPTOSA support the idea of using independent selection panels, differing sharply with SADTU and SAOU on this matter.

SAOU argued consistently for the retention of SGBs as they are, whereas NAPTOSA in the Free State said that SGBs should either be adequately trained or else take away the power to make appointments from them. NAPTOSA Mpumalanga was uncertain, however, as to the ability of SGBs to be trained. NAPTOSA in Gauteng reiterated that it was opposed to any reduction in the role of SGBs in the appointments process. It is clear that Provincial differences are real.

There is reason to believe that Teacher unions are aware that the circumstances behind the establishment of SGBs have changed during the past decade. Though no specifics were offered, there were indications from all Unions, except for the vehement resistance to change by SAOU representatives, that they are open to discussion and negotiation over the roles of SGBs in the future. SADTU Free State summed it up when it said that “the time for a change for the better has arrived”.

Both PEU and SAOU would have difficulty accepting the transfer of SGB powers of recruitment and selection from SGBs to the Department. PEU Eastern Cape said that irregularities within the Department were increasing and PEU in Limpopo was sure that there are more problems over appointments inside the Department than at SGB level. SAOU would regard the transfer of powers to the Department as a “violation of democracy”.

However, SAOU in the Northern Cape said that the powers of SGBs should be reconsidered in relation to the appointment of principals.

The focus of discussions was primarily on how the SGBs, as part of the system of recruitment and appointment of staff to schools, can be strengthened so as to reduce if not eliminate undue influence and irregularities in the selection of candidates recommended to the Department for appointment.

The strongest proponents of SGBs as they are came from the SAOU and the SGB associations of FEDSAS and the NSGB. This is unsurprising as the powers of SGBs are the surest way in which Afrikaans-speaking white South Africans and their acolytes can determine the language policies, admissions, the types of teachers and the influence of community leaders (especially professionals) which can make public schooling prioritise their cultural and class interests. The SAOU representatives were emphatic that SGBs “must” do the selection of candidates for school posts. Other middle-class communities (whom the Task Team did not interview except through FEDSAS) have been using the powers devolved to SGBs as a means of resisting the transformation of pre-1994 hegemonic values.⁵⁸

SAOU national representatives warned the Task Team that should the powers to select educators be removed from SGBs, there will be a mass defection of Afrikaans-speaking white people from public to private schooling as has already occurred, it was claimed, among the white English-speaking communities.

SADTU and PEU seem committed to the retention of the current SGB powers. This stance they combined with a call for the urgent need for the Department to build the capacity of SGBs. However, there is little confidence in the ability of the Department to do so. *In general terms, though, the Task Team sensed that SADTU was aware that over twenty years situations had changed and that perhaps it was time to reconsider the nature, role and function of SGBs.*

⁵⁸ Senior officials in Gauteng and Limpopo were quite clear about this.

For the purposes of the Report, which looks at how the process of the recruitment and selection of candidates for posts can exclude corruption, the attitudes of Teacher Unions towards the present powers of SGBs are what were specifically solicited.

NAPTOSA as a whole is in favour of removing from SGBs the power to advertise, short list, interview and recommend those whom the Department could appoint. NAPTOSA supports the use of “independent” panels to short-list, interview and select candidates. At best, Teacher Unions and SGBs then would be permitted to be ‘observers’ during this process. If this were to happen, SGBs would be left with school governance and finance duties.

A deeper question remains and that is whether this trend to remove powers from SGBs is the first step in the gradual centralisation of education in South Africa?

A full study is necessary to examine the implications of moving the entire process of recruitment and appointment to the Department. However, the long-running SADTU campaign of cadre deployment will ensure that decisions taken in the Department will favour that Union’s interests. And if that occurs, then the deleterious process will recur of loyalty to a Union coming before the quality of the candidate to be the best available educator. One SADTU representative at provincial level told the Task Team that his Union had nothing to fear should independent selection panels be instituted as the majority of people on such panels will be SADTU members and supporters anyway. What this means is that the ‘undue influence’ which now bedevils SGBs will shift to the Department.⁵⁹

The majority of Union opinion is that the participation of SGBs in the appointment process should be retained in some form, providing opportunity for parents and community members to have a voice in who is appointed to the school staff, and for the Unions to ensure that the process is carried out fairly and properly.

⁵⁹ This can be prevented or contained if office-based educators are debarred from membership of a Teachers’ Union and enabled to found their own Union.

However, Union interest in the appointment process is not a passive one. They have developed a repertoire of influence on which decisions are made. Unions prepare their candidates to apply with correctly completed forms accompanied by a well-designed CV. This is admirable. But the extent of influence can and does go further to arrangements with SGB members, the briefing of the teacher representatives beforehand and the Unions' use of their presence at selection panel interviews. The advantages of cadre deployment can then come into effect when decisions are taken at Circuit, District and Head offices. In other words, the system is open to human ingenuity and corruption at every stage.

At present, Teacher unions have no representation or presence in the process of appointment to office-based posts. The Task Team did not investigate this sector even though it has been cited as open to abuse as the SGB-based system is. It has even been alleged by one Union that if the selection of school-based educators is shifted from SGBs to the Department, the level of corruption will increase.

It is instructive to look at the attitudes towards SGBs that were expressed by administrators and bureaucrats in contrast to the views expressed by Teacher unions.

About 50% of HODs would like the powers of appointments to be removed from SGBs. And there is near unanimity that the appointment of school principals should be the prerogative of the Department. The matter of principals is endorsed by District Managers.

An important sense gained by the Task Team is that District Managers find the existence of SGBs a complicating element in the tasks that they have to deal with. There is clear tension between the democratic ethos of SGBs and the bureaucratic focus of Districts and Circuits.

It is noteworthy that Districts have not given sufficient attention to the empowerment of SGBs. Though everyone acknowledges the 'weakness', the 'inadequacy', the 'vulnerability' of SGBs, District Managers do not take responsibility for having allowed SGBs to languish in neglect instead of nurturing and nourishing that unique form of democracy. In short, SGBs are regarded as a burden and are being wished away.

The Task Team recognises that it is onerous to have to train and support repeatedly many bodies that have little continuity and where elderly, poorly educated and linguistically limited people become SGB members. However, if the DBE were to realise its obligations to take part in the education of entire communities, and not focus only on the narrowest sectors of schooling, then empowerment of SGBs would be given more attention. At the moment it seems that SGBs are the neglected and disregarded members of the educational family.⁶⁰

Nobody has proposed the complete abolition of SGBs as an entity. But almost everyone has said or implied that they cannot remain as they are.

If Districts and Circuits are too weak and loathe to empower SGBs it will be because of a combination of inappropriate appointments of office-based staff and the determination of Teacher unions to use them for their own ends. In other words, future SGBs will continue to be faced by two forces hostile to their flourishing. Those forces need to be persuaded to regard SGBs differently. A key factor in such a shift in attitude is the incorporation of the concerns of the learners, a renewed occupational identity by teachers and the interests of the community which the school serves. It is possible that the centre of the problem lies within the Department's notorious incapacity to implement policy and sustain routine monitoring and supporting tasks.

Finally, there appears to be a gathering consensus that, for many reasons, the system would be better off if the Department played a greater role in the selection and appointment of senior teaching staff and principals.

⁶⁰ See Crain Soudien *Review of School Governance in South African Public Schools* (Report to the Minister of Education, Professor Kader Asmal, 2003). The Report contains numbers of pertinent suggestions for ways to develop and support SGBs. The Report was never released by the Minister.

g. Observers and Resources Persons⁶¹

Unions mentioned frequently their concerns about the roles that observers and Resources Persons play. Observers are supposed to be passive scrutineers whereas Resources Persons are expected to advise panels impartially in compiling the questions to be asked of interviewees, the scoring process, the requirements of the post(s) being applied for and the selection those who are recommended for appointment to the SGB.

Unions want the Resources Persons to be well-prepared for their role. It was argued that if the Resources Persons are unable to guide the panels, then they (as observers) are obliged to overstep their role and intervene since as Union activists they are well aware of how and what should be done.

SADTU Western Cape accused Resources Persons of interfering in SGB procedures and SAOU from the same Province wants Resources Persons “restrained” because of their inclination to intervene.

It is clear that all Unions take the position and role of the Resources Person seriously, more seriously perhaps than the Department always does. It is evident that the Resources Persons are not always equal to their task and have difficulty behaving impartially.

All the non-SADTU Unions regard SADTU’s access to the selection process as tendentious in seeking to influence particular outcomes which, if not successful, means are found to disrupt and/or nullify the results. With an air of innocence, SADTU in both Mpumalanga and Limpopo described themselves as “mere observers” who have no effect whatsoever on the work of SGBs in making appointments. The weight of opinion and information given to the Task Team suggests otherwise.

⁶¹ Observers are representatives of Teacher unions who attend the process of interviews and recommendations made by SGB panels. SADTU has one observer and the other Unions select a single person to represent them all. They are supposed to ensure that due process is followed and play no role in influencing the outcome. Resources Persons are Departmental representatives who are present at panel meetings to guide them in following due process. They too are supposed to play no role in influencing the decisions of the panel.

Non-SADTU Unions want individual representation as observers at such panel meetings and expressed doubts as to whether a Union such as SADTU does not use its presence to exert undue influence on the panel's decisions.

If SGBs are going to continue playing an influential role on appointments, then appropriate and continuous training, coupled with participation by knowledgeable Departmental representatives at selection panel meetings will be essential.

4.3 INTERVIEWS WITH NATIONAL SCHOOL GOVERNING BODY ASSOCIATIONS⁶²

Interviews were held in Johannesburg with representatives of FEDSAS and then the National School Governing Body Association (NSGB). The task Team also received a 'Report on Interference in the Appointment Process of Principals and Others into Promotion Posts in Kwa-Zulu Natal' from The Governing Body Foundation, 2013.

⁶² There are 22 SGB associations in South Africa, most of which are intensely local.